THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3866 of 2004

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the third respondent-Revenue Divisional Officer in issuing proceedings Rc.No.K.4428/2001 dated 2.1.2003 canceling the fair price shop authorisation of the petitioner, as confirmed by the second respondent-Joint Collector in his proceedings dated 13.10.2003 and further confirmed by the first respondent-District Collector in proceedings dated 13.1.2004 as arbitrary and illegal.

It appears, the petitioner was the fair price shop dealer of Daliparru village, Ghantasala mandal, Bandar Division, Krishna district. While so, his authorisation was cancelled by third respondent vide proceedings dated 15.12.2001. Aggrieved by the same, petitioner carried the matter in appeal before the second respondent. The respondent, however, remanded the matter to the third respondent for conducting fresh enquiry after giving notice to the petitioner. Thereafter, petitioner was issued with a show cause notice dated 28.9.2002 and he submitted explanation to the same. After considering the said explanation in detail, the third respondent cancelled the authorisation of the petitioner vide impugned proceedings dated 2.1.2003 holding that the charges are grave in nature and were proved in full. Aggrieved by the same, petitioner carried the matter in appeal before the second respondent. The second respondent through proceedings dated 13.10.2003 dismissed the appeal confirming the orders passed the third respondent. Aggrieved by the same, petitioner further carried the matter in revision before the first respondent. The first respondent, after considering the matter in detail, dismissed the revision confirming the orders passed by the authorities below. Aggrieved by the same, the present writ

petition is filed.

A perusal of the impugned order dated 2.1.2003 passed by the third respondent would disclose that as many as four charges were framed against the petitioner and they are specific apart from being grave in nature. The petitioner's explanation was properly considered by the third respondent and has rightly come to the conclusion that the petitioner has committed irregularities requiring cancellation of his authorisation.

Therefore, the impugned order dated 2.1.2003 passed by third respondent, as confirmed by the respondents 1 and 2 does not call for any interference by this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed and accordingly dismissed.

However, this will not preclude the respondents from considering the case of the petitioner whenever he applies for other vacancies, as per law, if he is otherwise eligible.

Subject to the above, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 23.10.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3866 of 2004

23.10.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3866 of 2004

Date: 23rd October, 2006

Between:

Kodali Bala Kotaiah

.. Petitioner

And

The District Collector,
Krishna district, at Machilipatnam
and others.

.. Respondents